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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/438,957	11/12/1999	TERRELL B. JONES	07099.1193-0	1078

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EXAMINER

DYE, RENA

ART UNIT PAPER NUMBER

3627

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/438,957

Applicant(s)

JONES, TERRELL B.

Examiner

Rena L. Dye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 October 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 10-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Group I, Claims 1-9 in Paper No. 6 is acknowledged.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Shkedy (US 6,260,024).

With regard to claims 1-4, Shkedy teaches a method wherein individual buyers purchase requirements are aggregated into a single collective purchase requirement and sellers are located willing to bid on the collective purchase requirement. A central controller facilitates the buyer/seller transaction by fielding binding offers from buyers, aggregating those offers into

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group (*i.e.* pooled) offers and communicating those group offers globally in a format which can be efficiently accessed and analyzed by potential sellers (Abstract).

There is also a need for a third party to administer such bilateral multi buyer-driven system. The third party can administer an Internet site where buyers can aggregate their orders into a large pooled purchase order. Also, this third party can act as an agent for all the buyers and achieve economies of purchasing usually only achieved by large retailers or corporations. Also, a central site for the global purchase order facilitates a venue for sellers to search for appropriate orders to bid on. Therefore, it is one object of the present invention to set forth a system of bilateral multi buyer-driven electronic commerce that offers the capability for individual buyers to aggregate their purchase orders into pooled orders to potential sellers to bid on (column 2, line 59 to column 3, line 5).

By aggregating individual purchase orders into a single aggregate purchase order, each individual participant will receive more favorable purchasing terms than what could be achieved by acting independently. By using an intermediary to perform the buying or shipping of goods, buyers can keep their buying habits and preferences confidential (column 3, lines 62-67).

Shkedy further teaches a system and method according to the present invention that aggregates individual buyers purchase orders into one or more collective purchase orders and solicits sellers to bid on the collective purchase orders. The invention provides a global bilateral buyer-driven system by methods of communication, commerce and security for the buyers and the sellers by aggregating orders into group orders and communicating those group orders globally in a format which can be efficiently accessed and analyzed by potential sellers.

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Other aspects of this system effectuate performance of resulting contracts, and maintain billing, collection, authentication, confidentiality and anonymity (column 4, lines 48-59).

FIG. 2a illustrates the steps associated with the creation, transmission and inclusion of an FPO 100 into the PPO database 265. At step 40, a buyer selects the category of goods or services to be purchased. At step 42, the buyer selects the particular item or service in the category. At step 44, the buyer 16 adds a quantity specifier along with any other required buyer specified conditions. At step 46, a buyer will specify along with item, quantity, and buyer identification data, the pool date (*i.e.* seller bidding date) he wishes to participate in and an outside delivery date (column 5, lines 7-16).

At step 62, before adding the FPO 100 to a PPO 110, the central controller 20 authenticates the buyer's identification number against a buyer database. The central controller 200 may require that the buyer provide a credit card number and may also ensure that the buyer has sufficient credit available to cover the purchase price specified in the FPO 100 by contacting a credit card clearinghouse. Once a buyer is authenticated and credit worthy, at step 64, the central controller 200 assigns a unique tracking number to the FPO 100 and adds it to the pooled purchase order database (column 5, line 61 to column 6, line 3).

In another on-line embodiment, either buyer or the seller or the central controller 200 could use intelligent software agents to accomplish all or some of the buyer/sell communications with the central processor. Thus the central processor provides a meeting place for such agents to congregate and aggregate. The central controller 200 could then create a super agent that would be used to find the most competitive bid for the pool. In one embodiment of the present invention buyers could indicate a minimum discount off the

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maximum offer price provided by the central controller 200 that a buyer would be willing to accept. The seller would then be notified of a maximum price he had to beat in order to bid (column 7, lines 13-26).

The present invention is a highly effective bilateral multi buyer-driven commerce system which improves the ability of buyers to achieve the purchasing power heretofore made exclusively available to very large organizations. The present invention provides numerous unique advantages including anonymity. For numerous privacy and competitive reasons, buyers and sellers often prefer not to have their identities revealed to the general public when engaging in commercial transactions. The present invention effectuates the anonymity of buyers and sellers through the use of identification numbers stored in a database secured by the central controller 200 (column 8, lines 29-40).

In using the invention to obtain travel information, for example, at step 520, the buyer enters a description of the goods. A business traveler, for example, might want to fly from first class from New York to London, leaving 10 am May 7 and returning 1 pm May 12. There would be selection boxes on the form for originating city, destination city, date and time of departure, date and time of return, number of tickets, class of service, etc. The buyer simply selects his choices from the selection boxes. The buyer then adds other conditions to the blank fields (column 13, lines 36-43).

With regard to the claimed system (claims 5-6), as shown in FIG. 2, central controller 200 includes central processor (CPU) 205, cryptographic processor 210, RAM 215, ROM 220, payment processor 230, clock 235, operating system 240, network interface 245, and data storage device 250.

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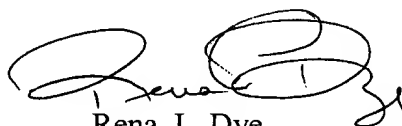
A conventional personal computer or computer workstation with sufficient memory and processing capability may be used as central controller 200. The memory may be in the form of a hard disk, CD ROM, or equivalent storage medium. The memory stores data including program codes or computer readable medium (claims 7-9) for causing the processor to operate the steps and functions of the present invention. In one embodiment it operates as a web server, both receiving and transmitting FPOs 100 generated by buyers. Central controller 200 is capable of high volume transaction processing, performing a significant number of mathematical calculations in processing communications and database searches. A Pentium II class processor, commonly manufactured by Intel Inc., may be used for CPU 205 (column 9, lines 7-25).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rena L. Dye whose telephone number is 703-308-4331. The examiner can normally be reached on Monday-Thursday 8:30 AM - 7:0 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 703-308-5183. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

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5. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

A handwritten signature in black ink, appearing to read 'Rena L. Dye', with a stylized flourish at the end.

Rena L. Dye  
Primary Examiner  
Art Unit 3627

R. Dye  
January 9, 2003